

UNITED STATES DISTRICT COURT

for the

EASTERN DISTRICT OF MICHIGAN

United States of America

v.

Isaiah Price

Defendant

Case No. 11-20704

DETENTION ORDER PENDING TRIAL

After conducting a detention hearing under the Bail Reform Act, 18 U.S.C. § 3142(f), I conclude that these facts require that the defendant be detained pending trial.

Part I—Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has previously been convicted of ☐ a federal offense ☐ a state or local offense that would have been a federal offense if federal jurisdiction had existed - that is
- ☐ a crime of violence as defined in 18 U.S.C. § 3156(a)(4) or an offense listed in 18 U.S.C. § 2332b(g)(5) for which the prison term is 10 years or more.
- ☐ an offense for which the maximum sentence is death or life imprisonment.
- ☐ an offense for which a maximum prison term of ten years or more is prescribed in _____ .*
- ☐ a felony committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses:
- ☐ any felony that is not a crime of violence but involves:
- ☐ a minor victim
- ☐ the possession or use of a firearm or destructive device or any other dangerous weapon
- ☐ a failure to register under 18 U.S.C. § 2250
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state release or local offense.
- ☐ (3) A period of less than five years has elapsed since the ☐ date of conviction ☐ the defendant's release from prison for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition will reasonably assure the safety of another person or the community. I further find that the defendant has not rebutted this presumption.

Alternative Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum prison term of ten years or more is prescribed in _____ .
- ☐ under 18 U.S.C. § 924(c).

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- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition will reasonably assure the defendant's appearance and the safety of the community.

Alternative Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Part II—Statement of the Reasons for Detention

I find that the testimony and information submitted at the detention hearing establishes by ☒ clear and convincing evidence ☒ a preponderance of the evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community.

[See Attached]

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or held in custody pending appeal. The defendant must be afforded a reasonable opportunity to consult privately with defense counsel. On order of United States Court or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for a court appearance.

Date: December 13, 2011

s/ Sean F. Cox

Judge's Signature

SEAN F. COX, U.S. DISTRICT JUDGE

Name and Title

Case No. 11-20704, United States v. Isaiah Price.

Defendant is a 28 year old male with a significant criminal history. Defendant is charged in the instant case with: Conspiracy to Commit Fraud, Access Device Fraud, and Identity Theft. Although the charges against Defendant are non-violent in nature, Defendant has prior convictions for felony weapons, felony controlled substances, and misdemeanor domestic assault. Most concerning is that Defendant is HIV positive and has an outstanding Felony Rape warrant out of the state of Tennessee. Defendant also has a history of failing to appear for hearings in prior cases.

Defendant reports that he was employed by a temporary servicing agency for one month prior to being incarcerated.

Defendant reports that he has a history of depression dating back to his pre-teen years and has previously sought treatment for his depression while living in Tennessee. Defendant also reports that he has recently been experiencing suicidal thoughts.

Defendant also admits to daily use of marijuana, cocaine, and alcohol. He reports that he most recently used marijuana three days before his arrest, and cocaine two weeks before his arrest.

As stated on the record at the December 8, 2011 bond hearing, the Court finds, by clear and convincing evidence, that there is serious risk that Defendant will not appear for future hearings and that Defendant is a danger to the safety of others in the community. He self-reports possible mental health issues, and daily use of controlled substances. He has multiple prior convictions for violent offenses and has failed to comply on multiple occasions with the requirements of his probation. Most recently, Defendant was sentenced to eleven months in prison for aggravated assault. As stated above, Defendant has an outstanding warrant out of the state of Tennessee for Felony Rape With a Weapon and Felony Burglary.

Accordingly, there is no condition or combination of conditions that would reasonably assure the safety of the community or Defendant's appearance in court. Therefore, detention is ordered.